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WHOLE NO. 2095.

## Hawaiian Gazette.

SEMI-WEEKLY.

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## SCHOOL TEACHERS

A Few Are Appointed for the  
Island of Hawaii.

SALARIES AND PAYROLLS AGAIN

Bring on a Discussion Which Pre-  
vents Further Action in Matter  
of Appointments.

The only business transacted at yester-  
day's meeting of the Board of Edu-  
cation was the assignment of a num-  
ber of teachers to positions for the en-  
suing school year. The list, as hand-  
ed in by the teachers' committee, was  
not completely acted upon, owing to  
a discussion which arose regarding pay  
rolls and salaries.

Minister Mott-Smith informed the  
board that after the 31st of December  
there would have to be a general cut  
in all salaries in order to comply with  
the law, which expressly limits ex-  
penditures after the expiration of the  
biennial period to a monthly pro rata  
of the same. Therefore great care  
should be exercised in raising salaries  
at present or in any way increasing  
the pay roll. Up to that time there is  
clear sailing, but the greater the in-  
crease of the overdraft on the appro-  
priation is, the greater the cut will  
have to be when it comes.

Mr. von Holt remarked that so long  
as the action of the board in raising  
salaries would be legal and the drafts  
issued accordingly would be honored  
up to the end of the year, why not in-  
crease all salaries by such an amount  
that the future cut would be equalized.  
The matter, together with further  
action upon the report of the teach-  
ers' committee, was deferred until the  
next meeting, which is to be held Mon-  
day afternoon.

The report, so far as acted upon and  
approved, was as follows:

Pohakupuka School—Nicholas Hoo-  
pili.

Hakalan—Miss Margaret Rice, in  
place of Miss Martin, transferred to  
Haalea.

Onomea—Miss Ellen K. Pearce, in  
place of Mrs. E. Weight, resigned.

Hilo Union—Miss Louisa Deyo, in  
place of Miss Thurston, transferred.

Upper Oahu—Miss Agnes Hill, assist-  
ant to Mrs. Hill.

Pahoa—Manuel J. Soares, in place of  
E. R. Gibson, resigned.

Walohinu—L. R. Medeiros, trans-  
ferred from Walpio; Miss Mary Silva,  
assistant.

Kailua—Miss Kanoho, in place of  
Miss Anna Kaaloo, transferred.

Waimea—S. C. Biddell, transferred  
from Kaahuhuu, in place of W. Vred-  
enberg, resigned.

Walpio—B. Brightwell, in place of  
L. R. Medeiros, transferred.

Kaahuhuu—A. J. Wilson, transferred  
from Milolihi.

Honokaa—J. B. Rickard, in place of  
J. Vicente, resigned; Florence Rickard,  
assistant.

On account of his proposed depart-  
ure for the Coast, Professor Alexander  
tendered his resignation from the com-  
mittee on selecting a suitable site for  
the Reform School. The resignation  
was accepted and the vacancy will be  
filled at the next meeting. The other  
members of the committee are Profes-  
sor Needham and Allan Herbert.

Present at yesterday's meeting were:  
Minister Mott-Smith, Secretary Rod-  
gers, J. Q. Wood, Inspector General  
Townsend, Professor Alexander, H.  
von Holt, and Deputy Inspector T. H.  
Gibson.

CHINO-JAPAN TREATY.

PEKING, July 26.—The Japanese ad-  
miral and four officers from the squad-  
ron at Ta-Ku, Gulf of Pechi-Li, have  
arrived here to visit the Japanese Min-  
ister, Prince Komura, who was ex-  
pected here in connection with pending  
treaty negotiations, but there appears  
to be a hitch in the negotiations with  
regard to the measure of financial con-  
trol to be accorded to Japan in return  
for the reorganization of the Chinese  
army by Japanese officers. In high  
Chinese circles it is believed that the  
difficulties can not be surmounted.  
Prince Ching and the Dowager Em-  
press are the principal advocates of the  
treaty. Others, though approving any  
arrangement that would be likely to se-  
cure China from foreign aggression,  
are fearful that the treaty might in-  
volve her in serious complications.

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are fearful that the treaty might in-  
volve her in serious complications.

To Locate Here.

C. E. Cawley, who arrived by the  
Australia, came to accept a position  
with the Hollister Drug Company. Mr.  
Cawley is a graduate of the Philadel-  
phia College of Pharmacy and is a  
very skillful pharmacist.

One on the General.

When George Joe Wheeler, now here,  
was leading a charge at Siboney he  
rode at the head of his men yelling,  
"Shoot the d—d Yankees." "Give  
it to the d—d Yankees," etc., the  
excitement of the occasion evidently  
carrying him back thirty odd years.  
Even in the midst of flying bullets  
the staff officers were convulsed with  
laughter and when they took it up  
to the old man after the battle was  
over he saw the point and took it in  
good part.

## DIED ON HAWAII

Consumption Carries Off  
W. H. Rickard.

Was Once a Member of the Hawaiian  
Legislature—Sketch of His  
Early Career.

By the arrival of the Iwalani yester-  
day from Hawaii news was received of  
the death of W. H. Rickard, one of the  
oldest residents of the Honokaa dis-  
trict, which occurred at 8 a. m. on  
Sunday, July 30. The cause of death  
was consumption, from which he had  
long been a sufferer.

William Henry Rickard was born in  
Cornwall, England, in 1846, and lived  
there until he was 20 years old. He



W. H. RICKARD.

had entered upon the study of medi-  
cine, but, without graduating, came to  
Honolulu in the ship R. W. Wood, ar-  
riving here February 23, 1867, accom-  
panied by his wife and infant child,  
having been induced to come by Geo.  
Hardy, his uncle, who was then living  
in Kawaihae. Together they went to  
the old Sallors' Home, on Merchant  
street, kept at that time by Mr. and  
Mrs. Thomas G. Thrum.

He was first employed by the Govern-  
ment as a contractor, engineer and  
builder of landings in and about this  
city. He finished this work in 1868,  
and for three years following was  
bookkeeper for the Kohala Sugar  
Company. After that he went into  
business for himself in Waimea, Ha-  
waii, and in 1873 went to Hamakua  
and started the Honokaa sugar planta-  
tion at a time when no one predicted  
anything but failure. Five years of  
ups and downs and the sugar planters  
organized and incorporated the Hono-  
kaa Sugar Company, and in 1880 he as-  
sumed the management and in his  
twelve years' connection brought it  
up to be one of the largest and best-  
paying plantations then on the island.  
After retiring from the sugar business  
he became an extensive coffee planter  
and leaves the second largest coffee  
estate in the district of Hamakua, con-  
sisting of some seventy-five acres,  
much of it in bearing.

He was elected and served in the  
Legislature of 1890 as a Representative  
from the district composed of Hamakua  
and South Kohala and was a  
prominent and useful member.

Mr. Rickard was well and favorably  
known. He was a man of education  
and adaptability, and was equally at  
home as a bookkeeper, a merchant, as  
a civil engineer, sugar planter, or man-  
ager, and at the time of his last sick-  
ness was engaged in the practice of law  
with a lucrative and growing practice,  
his perfect knowledge of the Hawaiian  
language and character giving him  
command of a large native clientele.

The funeral services were held on  
Monday afternoon and were attended  
by a large concourse of friends, both  
foreign and native. Services were con-  
ducted by the Rev. C. H. Tomkins and  
Rev. C. M. Kamakawioole. The  
Knights of Pythias of Maile Lodge,  
No. 4, had charge of the services at the  
grave.

Has Seen Much Service.

Major Owen Jay Sweet, who is on  
the Ohio, has seen a lot of service in  
the late war as a regular army officer.  
It is his first visit to Honolulu.

## STOCK TRANSFERS

Important Decision Affecting Holders  
of Sugar Stocks.

MUST COMPLY WITH STATUTE

Corporation Treasurer May Refuse to  
Refuse to Record Certain Trans-  
fers Not Being by Endorsement.

The Supreme Court yesterday decid-  
ed an important controversy which  
has special interest for holders of sug-  
ar stocks. It is entitled *Jonah Kalani-  
anaole and David Kawanakoa vs. Wal-  
ter M. Giffard, treasurer of Waimanalo  
Sugar Company*. The case was heard  
by the Chief Justice and Justice  
Whiting, the latter being the author  
of the decision, from which the fol-  
lowing excerpts are taken:

The parties appear in this court on  
a case stated or "submission without  
action."

"Your petitioners, Jonah Kalani-  
anaole and David Kawanakoa, on the  
one part, and Walter M. Giffard, treas-  
urer of the Waimanalo Sugar Com-  
pany, a corporation, on the other part,  
respectfully represent:

"That they are parties to a question  
in a difference which might be the  
subject of an action before a Circuit  
Judge at chambers, and have agreed  
upon a case containing the facts upon  
which the controversy depends and  
herewith present a submission of the  
same to the Justices of the Supreme  
Court.

"The facts upon which the contro-  
versy depends are as follows:

"Jonah Kalanianaole and David Ka-  
wanakoa claim to be the owners of  
fifteen shares of the Waimanalo Sugar  
Company, a corporation described in  
certificate No. 51 to Kapilani, by vir-  
tue of a deed from Kapilani, a copy  
of which is hereto annexed, marked  
Exhibit 'A' and made a part hereof,  
and by virtue of delivery of said certi-  
ficate from said Kapilani to said Jonah  
Kalanianaole and David Kawanakoa  
and have demanded of said Walter  
M. Giffard, treasurer of Waimanalo  
Sugar Company, that he cancel said  
certificate and issue a new certificate  
in the names of said Jonah Kalani-  
anaole and David Kawanakoa, and  
that said Walter M. Giffard, treas-  
urer of said Waimanalo Sugar Com-  
pany, has refused to cancel such cer-  
tificate and to issue a new certificate  
as requested upon the ground that said  
certificate is not indorsed by the said  
Kapilani.

"The question for the determination  
of the court is whether said Walter  
M. Giffard can be compelled in a proper  
action to cancel said certificate and to  
issue a new certificate in the names  
of Jonah Kalanianaole and David Ka-  
wanakoa."

By this deed annexed, the Queen  
Dowager Kapilani conveys to said  
Jonah and David certain real estate,  
and also doth "sell, convey, and give"  
to them "all personal property be-  
longing to her that is bonds, stocks,  
leases, furniture, jewelry, cattle and  
horses and all other personal property  
situate in the Hawaiian Islands as  
tenants in common and for their ex-  
ecutors, administrators and assigns for-  
ever."

By this deed and the delivery of the  
shares of stock to them, the title  
passed and became vested in Jonah  
and David.

The usual form of transfer of certi-  
ficates of stock to enable them to be re-  
gistered in the books of the corporation  
and a new certificate obtained is by  
endorsement or by assignment with  
power of attorney to register the trans-  
fer of the stock.

It does not appear, in the submission  
of this case, whether the Waimanalo  
Sugar Company has any by-law regu-  
lating the transfer of its stock, but  
by section 2016 of the Civil Laws, it  
is provided that "Whenever the capital  
stock of any corporation is divided in-  
to shares, and the certificates thereof  
are issued, transfer of the shares may  
be made by endorsement and delivery  
of the certificate. The endorsee shall  
be entitled to a new certificate upon  
surrendering the old one. And no  
transfer shall be valid, except between  
the parties thereto, until such new cer-  
tificates have been obtained, or the  
transfer shall have been recorded on  
the books of the corporation, so as  
to show the date of the transfer, the  
parties thereto, their places of abode,  
and the number and description of the  
shares transferred."

The transfer in this case is not in  
strict conformity with the law; and if  
the corporation is not satisfied to ac-  
cept this equitable title it can require  
the parties to bring the matter before  
a court of equity, where it may protect  
itself through an order of such court,  
and may be able to interpose any other  
parties who might be in interest.

We are of the opinion that the hold-  
ers of the certificates of stock must  
obtain a proper endorsement, or an  
order from a court of equity which  
would be equivalent thereto.

Another New Block.

It is understood that the Princes Da-  
vid and Cupid intend in the near fu-  
ture to put up a large brick building at  
the corner of King and Alakea streets.  
The premises belong to the Kapilani  
estate and are at present occupied by

small and unsightly buildings. Work  
on the new block, however, will proba-  
bly not begin for some time.

University Extension.

Next Monday evening at 7:30 o'clock  
in the High School a university exten-  
sion rally will be held, and everybody  
who is interested in the work is re-  
quested to attend. Dr. John Dewey,  
one of the most prominent of exten-  
sionists in the United States, will ad-  
dress the meeting, as will also Profes-  
sor Rolfe, who carried on the work in  
Honolulu this year. Judge Frear will  
preside, and the educational needs of  
this city will be discussed by Minister  
Mott-Smith, Inspector General Town-  
send, Professor Hosmer and Professor  
Scott.

Cabinet Matters.

Matters to be acted upon by the  
Cabinet are rapidly accumulating in  
the Interior Department. A meeting  
will not be held until the return of  
President Dole and Attorney-General  
Cooper.

## THE WAIALUA CASE

Preliminary Sparring Has  
Commenced.

Other Matters of Interest in the  
Probate and Circuit Courts—  
New Suits Commenced.

There was a gathering of legal talent  
before Judge Perry yesterday in the  
case of J. H. Soper vs. B. F. Dilling-  
ham, when the defendants were re-  
quired upon notice to produce certain  
documents in court for the inspection  
of plaintiff and his attorneys.

In the case of J. A. Magoon vs. T. B.  
Murray, the defendant has filed an  
answer denying all the allegations of  
the complaint except those contained  
in the first paragraph.

In the action to quiet title of T. R.  
Mossman against the Trustees of the  
Bishop Estate, the defendants have  
filed a motion to quash the summons  
for defective service, to-wit: failure of  
service of the same on Charles M.  
Hyde, one of the defendants.

William W. Widdfield, guardian of  
Maggie, William and Annie Widdfield,  
minors, has applied to the court for  
permission to sell certain real estate  
at Kalaehine and on Vineyard  
street, belonging to the minors, on the  
ground that the same is unproductive  
and brings in no income.

T. J. Wilhelm has filed his bond as  
administrator of the Estate of Kamilla  
Paula Wilhelm in the sum of \$3,000,  
with John Nott as surety.

The Trustees of the Bernice Pauahi  
Bishop Museum have brought suit  
against J. L. Kaulukou to recover the  
sum of \$296, with interest and cost,  
due on a promissory note made Janu-  
ary 17th, 1896. The case will come up  
at the November term.

In the case of Annie Lackland vs.  
William O. Lackland, a suit for di-  
vorce, Deputy Marshal Hitchcock  
makes return that the defendant is not  
to be found within the Republic and  
that he has reason to believe he has  
left for parts unknown.

THE LOCAL BRADSTREET.

Volume of Business Has Fallen Off  
Since Last Month.

The July report of the Hawaiian  
Mercantile Agency is out. The local  
Bradstreet finds that the general trade  
movement seems less active with a  
diminution in volume in all lines. A  
relaxation of the depressed condition of  
the money market is looked forward  
to when the First American Bank  
opens its doors. The report of a local  
show combine is unfounded. The tone  
of the money market is considered  
firmer. Merchants in certain lines of  
trade report their cash sales from 15  
to 30 per cent less than last month, and  
their book accounts have increased from  
5 to 15 per cent. The real estate  
market shows considerable activity.

The loans on real property show a  
marked confidence in present values.  
The demand for furnished and unfur-  
nished rooms still exceeds the supply.  
Since the last report the mortgage in-  
debtedness of the Islands has increased  
\$63,060.60.

HOYT'S COMPANY.

Promises to Play Here a Month on  
the Way Home.

A letter from E. G. Cooke, manager  
of the "Trip to Chinatown" company,  
now in Australia, says:

Success has been our fate over here  
in the antipodes. We have played  
both The Stranger and Chinatown to  
excellent business, in fact the outlook  
is so cheerful we will stay over here  
until February. I am getting all  
Hoyt's plays and some other American  
successes and if we don't go to South  
Africa from here, which will hardly be  
probable now on account of the Trans-  
vaal trouble, I will stay for a month  
with you on our way home and give  
you some jolly good shows."

## TRANSPORT OHIO

Brings Several Bags of  
Mail Matter.

And About 700 More Soldiers for  
General Otis' Army in the  
Philippines.

On board the United States army  
transport Ohio now at Nuuanu street  
wharf are two companies—246 men—  
of the Nineteenth infantry and 476 re-  
cruits for the Army of the Philippines.  
She will take on about 200 tons of coal  
and sail tomorrow for Manila.

The Ohio brings several bags of mail  
and although she sailed from San  
Francisco some hours before the New-  
port, did not arrive until about 6  
o'clock last evening.

The Nineteenth infantry men on  
board have seen service at Porto Rico  
and came through from there by fast  
trains to San Francisco. The recruits  
are mostly from the South.

This is the fifth trip of the Ohio to  
Manila, and she justly claims to be a  
veteran in the service.

The officers on board the Ohio are:  
Major O. J. Sweet, Twenty-third in-  
fantry, commanding; Captain C. L.  
Collins and wife, Twenty-third in-  
fantry; Captain H. L. Roberts, Nineteenth  
infantry; Lieutenants Ernest Hage-  
dorn, Sixteenth infantry, transport  
quartermaster and commissary; E. M.  
Graham, Nineteenth infantry; S. W.  
Noyes, Twenty-third infantry, adju-  
tant; T. R. Lang, Ninth infantry; J.  
L. Von Schaick, Fourth infantry; W. O.  
Wright, Nineteenth infantry; W. E.  
Kent, Twenty-third infantry; W. E.  
Hunt, Nineteenth infantry; Surgeons  
T. E. Driswell, U. S. A.; G. L. Hicks,  
U. S. A.; W. Lawrence, commissary  
clerk; G. C. Schneider, quartermaster's  
clerk.

Misses Duckworth, McCloud, Ridley,  
Macaulay, and Mahlin are the Govern-  
ment nurses on board.

There are no changes among the  
officers of the ship, who remain the  
same as before—Captain W. J. Boggs,  
First Officer Charles Baring, Second  
Officer F. Hellberg, Third Officer T. H.  
Lyon, Fourth Officer C. C. Moore, Chief  
Engineer C. I. Gallagher, First Asst-  
ant John Jackson, Purser B. F. Herges,  
Steward A. Burnley.

NEWPORT ARRIVES

With Five Hundred More Troops  
for Manila.

The United States army transport  
Newport, from San Francisco, is at  
Lorenson's wharf coaling for Manila.  
She arrived shortly before noon yester-  
day and has on board Companies E  
and F of the Nineteenth infantry, and  
225 recruits for the Third, Fourth and  
Seventeenth infantry in the Philip-  
pines, numbering 489 enlisted men and  
11 officers.

The following are the officers aboard:  
Captain French, Captain Dapray,  
Captain Shillock, surgeon; Lieuten-  
ants Fuller, Hartman, Shaw, Hewart,  
Gilbert, Feiter, Hardenburg and Brad-  
ford.

There are eight Red Cross nurses en  
route to Manila—Misses Emma Duen-  
sing, H. E. Fraser, Barbara Zeigler,  
Mary Lumme, Catherine Yeakle, Amy  
Pope, Carlotta Marshall and Lydia  
Cockley.

Other passengers are M. K. T. Cher-  
ry, Clarence B. Clarke and Mrs. R. H.  
Jones, the latter for Honolulu, to join  
her husband, Hospital Steward Jones.

The deck officers of the Newport are  
as follows: W. W. Saunders, captain;  
S. S. Sandberg, first officer; W. H. Mac-  
quay, second; George Coffin, third; H. W.  
Dixon, chief engineer; Charles Arthur,  
surgeon; and C. J. Howland, purser.

There are seventeen in the crew.  
The Newport brought no later news  
than the America Maru, having sailed  
from San Francisco at 1:20 o'clock last  
Thursday morning.

CAPTAIN BABCOCK

Expired From Old Age at a Late Hour  
Last Night

Captain William Babcock died at  
10:30 last night at his residence at Pi-  
koi and Lunaillo streets. Death was  
due to old age. The members of the  
family, a few intimate friends and Dr.  
McKibben, the attending physician,  
were with the deceased in his last  
moments.

Captain Babcock was born in New  
London, Connecticut, in 1816. His  
eighty-third birthday was observed  
last May. He came to the Islands in  
the early '40s, and for some time was  
master of one of the many whalers  
that formerly visited Honolulu harbor.  
After his retirement from the whaling  
business he became one of the Honolu-  
lu harbor pilots. He served continu-  
ously in this vocation up to about  
three years ago, when he finally re-  
tired. He leaves two children, Mrs.  
F. E. Lyman and John Babcock.

The funeral will take place from the  
residence at 3:30 o'clock this after-  
noon.

Miss Louisa Lloyd of Berkeley and  
Bert Hughes, one of the engineers of  
the O. R. & L. Co., were married at St.  
Andrew's Cathedral Wednesday even-  
ing. The bride arrived by the Australia  
that morning.